

REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD

DEVELOPMENT REVIEW BOARD HEARING DATE: July 28, 2016

REPORT PREPARATION DATE: July 17, 2016

APPLICATION SUBMISSION DATE: June 22, 2016

APPLICATION TYPE: Conditional Use Review

APPLICANT: Pamela Gillis Revocable Trust, Pamela Gillis, Trustee

OWNER: Pamela Gillis Revocable Trust, Pamela Gillis, Trustee

DESCRIPTION: The applicant is seeking DRB input on action needed to construct a 12x12 addition onto a Primary Residence located within the Floodplain and the River Overlay District. This may include a Conditional Use approval to amend the River Overlay District *and* may include Conditional Use approval to construct within the floodplain.

IDENTIFYING INFORMATION

LOCATION: 64 Hiram's Crossing (off Tarbox)

PARCEL NO: HX064

TOTAL ACREAGE: 11.6

ZONING DISTRICT: Agricultural Zoning District

EXISTING USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

LOCATION MAP



DEPARTMENTAL REVIEW AND COMMENTS

Project Overview

The applicant owns approximately 11.6 acres located on Hiram's Crossing in the Agricultural Zoning District. A single family dwelling resides on the parcel.

The applicant is proposing a 12 x 12 addition onto the rear of the single family dwelling, designed with standalone piers for an elevated foundation.

The Mill Brook runs through the parcel, and the applicant has received a LOMA (Letter of Map Amendment) determining that the proposal is not located within the SFHA (Special Flood Hazard Area). As well as being in the Agricultural District a portion of the property is also located within the River Overlay District.

It was determined in the fall of 2015 that the applicant needed conditional use review from the DRB as per section 6.5 of the zoning regulations. Specifically the DRB is reviewing section 6.5.3 of the regulations

River Overlay District

Standards	Staff Comments
6.5.1. Purpose: The purpose of the River Overlay District is to protect life and property by minimizing new development and inappropriate land uses in the floodplain and to protect valuable natural resources important for wildlife, recreation, and Jericho's rural atmosphere. Development should be very limited and new dwellings should not be constructed in this District.	The proposal is for a 12'x12' addition to be built on piers. By the nature of the design there is limited impact.
6.5.2. Delineation of the District: 6.5.2.1.1. All areas in the Town of Jericho, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 VSA § 753, which are hereby adopted by reference and declared to be part of these regulations.	Please see attached LOMA letter from FEMA indicating that the applicants structures are not located within the Special Flood Hazard Area
6.5.3. Amendments to Floodplain Boundaries: <i>Flood insurance studies and maps are based on small-scale surveys that may not capture all topographical features and inaccurately depict the floodplain boundary in some areas. The River Overlay District may be amended to more accurately reflect the actual floodplain boundary subject to conditional use review and the following:</i> 6.5.3.1. Only land which is naturally above the Base Flood Elevation and outside of prescribed stream buffers may be removed from the River	The LOMA has determined that area in questions is above the Base Flood Elevation so that area is removed from the River Overlay.

<p>Overlay District. The procedures described below shall not be used to remove areas raised above the Base Flood Elevation through the use of fill or grading from the River Overlay District. The procedures described below shall not be used to remove areas within the buffers specified in 6.5.2.2 or the Fluvial Hazard Erosion areas specified in 6.5.2.3 from the River Overlay District.</p> <p>6.5.3.2. The River Overlay District Boundary shall be amended for the entire parcel in question. In removing a portion of a parcel naturally above the Base Flood Elevation from the River Overlay District, all portions of the parcel naturally below the Base Flood Elevation shall be added to the River Overlay District.</p> <p>6.5.3.3. Prior to applying to the Development Review Board for an amendment to the River Overlay District Boundary, the applicant shall obtain a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA), copies of which shall be submitted with the application.</p> <p>6.5.3.5. Upon determination by the Development Review Board that a parcel or portion of a parcel is naturally above the Base Flood Elevation, that parcel or portion of a parcel shall not be considered within the River Overlay District. Upon such a determination, any other portion of the parcel located below the Base Flood Elevation which is not identified as an area of special flood hazard by the flood insurance maps and studies shall be considered to be within the River Overlay District</p>	<p>A LOMA is required to amend the River Overlay District and it is attached.</p> <p>The required letter is attached.</p> <p>The DRB should accept the determination from FEMA (LOMA) and determine that the portion of the property being proposed for the 12'x12' addition is not within the River Overlay District.</p>
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The DRB should find that the portion of the applications property that is being proposed for the 12'x12' addition has been determined by FEMA to be out of the (Special Flood Hazard Area (SFHA) which removes that portion from the River Overlay District. The DRB should find that the applicant can apply for the proposed addition through the zoning office. The DRB should also find that this ruling is solely for consideration of the 12'x12' addition and nothing else. The DRB should find that the applicant if they choose will need to go through the same process if they choose to do additional improvements to 64 Hiram's Crossing.

STAFF RECOMMENDATION:

To accept the FEMA determination and the above findings to allow the application to proceed with their request.